

LAN.6623

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
DALLAS DIVISION**

**MICHELE BAILON**

**v.**

**LANDSTAR RANGER, INC. and  
CAMARA PERCIVAL, JR.**

§  
§  
§  
§  
§  
§

**CIVIL ACTION NO. \_\_\_\_\_  
JURY**

**DEFENDANT'S INDEX OF PLEADINGS FILED IN THE STATE COURT ACTION**

**TO THE UNITED STATES DISTRICT CLERK:**

Pursuant to 28 U.S.C. § 1447(b), attached hereto are complete true and correct copies of all documents filed in the state court action, as follows:

1. Plaintiffs' Original Petition – filed 3/04/2016
2. Civil Case Information Sheet – filed 3/04/2016
3. Civil Process Request – filed 3/04/2016
4. Jury Demand – filed 3/04/2016
5. Citation Issued to Landstar Ranger, Inc. – dated 3/14/2016
6. Citation Issued to Camara Percival, Jr. – dated 3/14/2016
7. Letter to Court Clerk from Plaintiff's counsel - filed 3/24/2016
8. Defendant Landstar Ranger, Inc.'s Original Answer – filed 3/29/2016
9. Order Setting Scheduling Conference and Notice of Policies – dated 3/29/2016
10. Defendant Landstar Ranger, Inc.'s Jury Demand – filed 3/30/2016
11. Vacation Letter to Court for Michael P. Sharp – filed 3/31/2016

Respectfully submitted,

*/s/ Michael P. Sharp*

---

**MICHAEL P. SHARP**

[msharp@feesmith.com](mailto:msharp@feesmith.com)

State Bar No. 00788857

**DANIEL M. KARP**

State Bar No. 24012937

[dkarp@feesmith.com](mailto:dkarp@feesmith.com)

Fee, Smith, Sharp & Vitullo LLP

Three Galleria Tower

13155 Noel Road, Suite 1000

Dallas, Texas 75240

(972) 934-9100

(972) 934-9200 (Fax)

**ATTORNEYS FOR DEFENDANT  
LANDSTAR RANGER, INC.**

**CERTIFICATE OF SERVICE**

THIS WILL CERTIFY that a true and correct copy of the foregoing instrument has been mailed, telecopied or hand delivered to all attorneys of record in this cause of action on the 15<sup>th</sup> day of April 2016 as follows:

***Via E-Service & Facsimile***

Jason A. Itkin

Cory D. Itkin

Arnold & Itkin LLP

6009 Memorial Drive

Houston, TX 77007

*/s/ Michael P. Sharp*

---

**MICHAEL P. SHARP**

CAUSE NO. DC-16-02623

Angie Avina

Michele Bailon  
*Plaintiff,*  
v.  
Landstar Ranger, Inc. and  
Camara Percival Jr.  
*Defendant.*

§  
§  
§  
§  
§  
§  
§  
§

IN THE DISTRICT COURT OF  
DALLAS COUNTY, TEXAS  
\_\_\_\_ JUDICIAL DISTRICT

**Plaintiffs' Original Petition**

Plaintiff Michele Bailon complains of Defendant Landstar Ranger, Inc. and Camara Percival Jr. and would respectfully show that:

**I.**

**Discovery Control Plan**

1. Plaintiffs plead Level 2.

**II.**

**Jurisdiction and Venue**

2. The claims asserted arise under the common law of Texas. This Court has jurisdiction and venue is proper because a substantial part of the events giving rise to this action occurred in Dallas County, Texas.

**III.**

**Parties**

3. Plaintiff is a resident and citizen of Dallas, Texas.
4. Defendant Landstar Ranger, Inc. is a Delaware corporation which has systematic and continuance contacts with and does a substantial amount of business in Dallas

County, Texas. Defendant Landstar Ranger, Inc. may be served through its registered agent: CT Corporation System at 1999 Bryan St., Ste. 900 Dallas, TX 75201.

5. Defendant Camara Percival Jr. is a resident of California who has systematic and continuance contacts with and does a substantial amount of business in Dallas County, Texas. Defendant Carmara Percival Jr. may be served with process at 1600 Taft Avenue, Apt 411 Los Angeles, California 90028 or wherever he may be found.

#### IV.

##### **Facts**

6. This lawsuit is necessary as a result of motor vehicle accident that occurred on or about April 27, 2015. On the date in question, Defendant Percival was acting within the course and scope of his employment with Defendant Landstar Ranger, Inc. and violently collided with Plaintiff vehicle. As a result of the accident, Plaintiff sustained severe injuries to her head, neck, chest, and other parts of her body. The accident at issue occurred as a direct and proximate result of Defendants' negligence, negligence *per se*, and gross negligence when Defendants:

- a. Failed to control their vehicle's speed;
- b. Failed to operate their vehicle safely;
- c. Failed to take evasive action to avoid the collision;
- d. Failed to exercise caution;
- e. Failed to keep a proper lookout;
- f. Failed to maintain a safe distance;
- g. Failed to train its employees;
- h. Failed to supervise its employees;

- i. Violated applicable, local, state, and federal laws and/or regulations;
- j. Negligently entrusted a vehicle to an unlicensed, incompetent, and/or reckless driver; and
- k. Other acts so deemed negligent.

7. As a result of said occurrences, Plaintiff sustained severe injuries, which resulted in physical pain, mental anguish, disfigurement, and other medical problems. Plaintiff has sustained severe pain, physical impairment, disfigurement, discomfort, mental anguish, and distress. In all reasonable probability, Plaintiff's physical pain, physical impairment and mental anguish will continue indefinitely. Plaintiff has also suffered a loss of earnings in the past, as well as a loss of future earning capacity. Plaintiff has incurred and will incur pharmaceutical and medical expenses in connection with her injuries.

8. Further, Defendants acted knowingly and/or recklessly, committing gross negligence. Accordingly, Plaintiff is entitled to and seeks exemplary damages.

9. Pursuant to Rule 47, Plaintiff seeks monetary relief within the jurisdictional limits of this Court and over \$1,000,000.00.

**V.**

**Jury Demand**

10. Plaintiff hereby demands a trial by jury.

**VI.**

**Prayer**

Plaintiff prays that this citation issue and be served upon Defendants in a form and manner prescribed by law, requiring that Defendants appear and answer, and that upon final hearing, Plaintiff has judgment against Defendants, both jointly and severely, in a total sum in

excess of the minimum jurisdictional limits of this Court, plus pre-judgment and post-judgment interests, all costs of Court, exemplary damages, and all such other and further relief, to which she may show herself justly entitled.

Respectfully submitted,

**ARNOLD & ITKIN LLP**

/s/ Jason A. Itkin

Jason A. Itkin

Texas State Bar No. 24032461

Cory D. Itkin

Texas State Bar No. 24050808

Noah M. Wexler

Texas State Bar No. 24060816

6009 Memorial Drive

Houston, Texas 77007

Telephone: (713) 222-3800

Facsimile: (713) 222-3850

Email: [JAITeam@ArnoldItkin.com](mailto:JAITeam@ArnoldItkin.com)

***ATTORNEYS FOR PLAINTIFF***

CAUSE NUMBER (FOR CLERK USE ONLY): COURT (FOR CLERK USE ONLY):

STYLED Michele Bailon vs. Landstar Ranger, Inc. and Camara Percival Jr.

(e.g., John Smith v. All American Insurance Co; In re Mary Ann Jones; In the Matter of the Estate of George Jackson)

A civil case information sheet must be completed and submitted when an original petition or application is filed to initiate a new civil, family law, probate, or mental health case or when a post-judgment petition for modification or motion for enforcement is filed in a family law case. The information should be the best available at the time of filing.

<b>1. Contact information for person completing case information sheet:</b>  Name: <u>Jason A. Itkin</u> Email: <u>jitkin@ArnoldItkin.com</u>  Address: <u>6009 Memorial Drive</u> Telephone: <u>713-222-3800</u>  City/State/Zip: <u>Houston, TX 77007</u> Fax: <u>713-222-3850</u>  Signature: <u>/s/Jason A. Itkin</u> State Bar No: <u>24032461</u>		<b>Names of parties in case:</b>  Plaintiff(s)/Petitioner(s): <u>Michele Bailon</u>  Defendant(s)/Respondent(s): <u>Landstar Ranger, Inc.</u> <u>Camara Percival Jr.</u>  [Attach additional page as necessary to list all parties]		<b>Person or entity completing sheet is:</b> <input type="checkbox"/> Attorney for Plaintiff/Petitioner <input type="checkbox"/> Pro Se Plaintiff/Petitioner <input type="checkbox"/> Title IV-D Agency <input type="checkbox"/> Other: _____  Additional Parties in Child Support Case:  Custodial Parent: _____  Non-Custodial Parent: _____  Presumed Father: _____
<b>2. Indicate case type, or identify the most important issue in the case (select only 1):</b>				
<b>Civil</b>		<b>Family Law</b>		
<b>Contract</b> <input type="checkbox"/> Debt/Contract <input type="checkbox"/> Consumer/DTPA <input type="checkbox"/> Debt/Contract <input type="checkbox"/> Fraud/Misrepresentation <input type="checkbox"/> Other Debt/Contract: _____  <b>Foreclosure</b> <input type="checkbox"/> Home Equity—Expedited <input type="checkbox"/> Other Foreclosure <input type="checkbox"/> Franchise <input type="checkbox"/> Insurance <input type="checkbox"/> Landlord/Tenant <input type="checkbox"/> Non-Competition <input type="checkbox"/> Partnership <input type="checkbox"/> Other Contract: _____	<b>Injury or Damage</b> <input type="checkbox"/> Assault/Battery <input type="checkbox"/> Construction <input type="checkbox"/> Defamation <b>Malpractice</b> <input type="checkbox"/> Accounting <input type="checkbox"/> Legal <input type="checkbox"/> Medical <input type="checkbox"/> Other Professional Liability:  <input checked="" type="checkbox"/> Motor Vehicle Accident <input type="checkbox"/> Premises <b>Product Liability</b> <input type="checkbox"/> Asbestos/Silica <input type="checkbox"/> Other Product Liability List Product: _____  <input checked="" type="checkbox"/> Other Injury or Damage: <u>Negligence</u>	<b>Real Property</b> <input type="checkbox"/> Eminent Domain/Condemnation <input type="checkbox"/> Partition <input type="checkbox"/> Quiet Title <input type="checkbox"/> Trespass to Try Title <input type="checkbox"/> Other Property: _____  <b>Related to Criminal Matters</b> <input type="checkbox"/> Expunction <input type="checkbox"/> Judgment Nisi <input type="checkbox"/> Non-Disclosure <input type="checkbox"/> Seizure/Forfeiture <input type="checkbox"/> Writ of Habeas Corpus—Pre-indictment <input type="checkbox"/> Other: _____	<b>Marriage Relationship</b> <input type="checkbox"/> Annulment <input type="checkbox"/> Declare Marriage Void <b>Divorce</b> <input type="checkbox"/> With Children <input type="checkbox"/> No Children  <b>Other Family Law</b> <input type="checkbox"/> Enforce Foreign Judgment <input type="checkbox"/> Habeas Corpus <input type="checkbox"/> Name Change <input type="checkbox"/> Protective Order <input type="checkbox"/> Removal of Disabilities of Minority <input type="checkbox"/> Other: _____	<b>Post-judgment Actions (non-Title IV-D)</b> <input type="checkbox"/> Enforcement <input type="checkbox"/> Modification—Custody <input type="checkbox"/> Modification—Other  <b>Title IV-D</b> <input type="checkbox"/> Enforcement/Modification <input type="checkbox"/> Paternity <input type="checkbox"/> Reciprocals (UIFSA) <input type="checkbox"/> Support Order  <b>Parent-Child Relationship</b> <input type="checkbox"/> Adoption/Adoption with Termination <input type="checkbox"/> Child Protection <input type="checkbox"/> Child Support <input type="checkbox"/> Custody or Visitation <input type="checkbox"/> Gestational Parenting <input type="checkbox"/> Grandparent Access <input type="checkbox"/> Parentage/Paternity <input type="checkbox"/> Termination of Parental Rights <input type="checkbox"/> Other Parent-Child: _____
<b>Employment</b> <input type="checkbox"/> Discrimination <input type="checkbox"/> Retaliation <input type="checkbox"/> Termination <input type="checkbox"/> Workers' Compensation <input type="checkbox"/> Other Employment: _____	<b>Other Civil</b> <input type="checkbox"/> Administrative Appeal <input type="checkbox"/> Antitrust/Unfair Competition <input type="checkbox"/> Code Violations <input type="checkbox"/> Foreign Judgment <input type="checkbox"/> Intellectual Property  <input type="checkbox"/> Lawyer Discipline <input type="checkbox"/> Perpetuate Testimony <input type="checkbox"/> Securities/Stock <input type="checkbox"/> Tortious Interference <input type="checkbox"/> Other: _____			
<b>Tax</b> <input type="checkbox"/> Tax Appraisal <input type="checkbox"/> Tax Delinquency <input type="checkbox"/> Other Tax	<b>Probate &amp; Mental Health</b> <b>Probate/Wills/Intestate Administration</b> <input type="checkbox"/> Dependent Administration <input type="checkbox"/> Independent Administration <input type="checkbox"/> Other Estate Proceedings  <input type="checkbox"/> Guardianship—Adult <input type="checkbox"/> Guardianship—Minor <input type="checkbox"/> Mental Health <input type="checkbox"/> Other: _____			
<b>3. Indicate procedure or remedy, if applicable (may select more than 1):</b>				
<input type="checkbox"/> Appeal from Municipal or Justice Court <input type="checkbox"/> Arbitration-related <input type="checkbox"/> Attachment <input type="checkbox"/> Bill of Review <input type="checkbox"/> Certiorari <input type="checkbox"/> Class Action	<input type="checkbox"/> Declaratory Judgment <input type="checkbox"/> Garnishment <input type="checkbox"/> Interpleader <input type="checkbox"/> License <input type="checkbox"/> Mandamus <input type="checkbox"/> Post-judgment	<input type="checkbox"/> Prejudgment Remedy <input type="checkbox"/> Protective Order <input type="checkbox"/> Receiver <input type="checkbox"/> Sequestration <input type="checkbox"/> Temporary Restraining Order/Injunction <input type="checkbox"/> Turnover		
<b>4. Indicate damages sought (do not select if it is a family law case):</b>				
<input type="checkbox"/> Less than \$100,000, including damages of any kind, penalties, costs, expenses, pre-judgment interest, and attorney fees <input type="checkbox"/> Less than \$100,000 and non-monetary relief <input type="checkbox"/> Over \$100,000 but not more than \$200,000 <input type="checkbox"/> Over \$200,000 but not more than \$1,000,000 <input checked="" type="checkbox"/> Over \$1,000,000				

**CIVIL PROCESS REQUEST**

FOR EACH PARTY SERVED YOU MUST FURNISH ONE (1) COPY OF THE PLEADING  
FOR WRITS FURNISH TWO (2) COPIES OF THE PLEADING PER PARTY TO BE SERVED

DC-16-02623

CASE NUMBER: \_\_\_\_\_

CURRENT COURT: \_\_\_\_\_

TYPE OF INSTRUMENT TO BE SERVED (See Reverse For Types): Original Petition and CitationFILE DATE OF MOTION: 03/04/2016  
Month/ Day/ Year

SERVICE TO BE ISSUED ON (Please List Exactly As The Name Appears In The Pleading To Be Served):

1. NAME: Landstar Ranger, Inc.ADDRESS: 1999 Bryan Street, Suite 900 Dallas, Texas 75201AGENT, (if applicable): CT Corporation System

TYPE OF SERVICE/PROCESS TO BE ISSUED (see reverse for specific type): \_\_\_\_\_

SERVICE BY (check one):

☐ ATTORNEY PICK-UP ☐ CONSTABLE☐ CIVIL PROCESS SERVER - Authorized Person to Pick-up: \_\_\_\_\_ Phone: \_\_\_\_\_☒ MAIL ☐ CERTIFIED MAIL☐ PUBLICATION:Type of Publication: ☐ COURTHOUSE DOOR, or☐ NEWSPAPER OF YOUR CHOICE: \_\_\_\_\_☐ OTHER, explain \_\_\_\_\_

\*\*\*\*\*

\*\*\*\*

2. NAME: Camara Percival Jr.ADDRESS: 1600 Taft Avenue, Apt 411 Los Angeles, California 90028

AGENT, (if applicable): \_\_\_\_\_

TYPE OF SERVICE/PROCESS TO BE ISSUED (see reverse for specific type): \_\_\_\_\_

SERVICE BY (check one):

☐ ATTORNEY PICK-UP ☐ CONSTABLE☐ CIVIL PROCESS SERVER - Authorized Person to Pick-up: \_\_\_\_\_ Phone: \_\_\_\_\_☒ MAIL ☐ CERTIFIED MAIL☐ PUBLICATION:Type of Publication: ☐ COURTHOUSE DOOR, or☐ NEWSPAPER OF YOUR CHOICE: \_\_\_\_\_☐ OTHER, explain \_\_\_\_\_**ATTORNEY (OR ATTORNEY'S AGENT) REQUESTING SERVICE:**NAME: Jason A. Itkin TEXAS BAR NO./ID NO. 24032461MAILING ADDRESS: 6009 Memorial Drive, Houston, Texas 77007PHONE NUMBER: 713 222-3800 FAX NUMBER: 713 222-3850  
area code phone number area code fax numberEMAIL ADDRESS: jitkin@ArnoldItkin.com



SERVICE REQUESTS WHICH CANNOT BE PROCESSED BY THIS OFFICE WILL BE HELD FOR 30 DAYS PRIOR TO CANCELLATION. FEES WILL BE REFUNDED ONLY UPON REQUEST, OR AT THE DISPOSITION OF THE CASE. SERVICE REQUESTS MAY BE REINSTATED UPON APPROPRIATE ACTION BY THE PARTIES.

INSTRUMENTS TO BE SERVED:

(Fill In Instrument Sequence Number, i.e. 1st, 2nd, etc.)

ORIGINAL PETITION XXX

\_\_\_\_\_ AMENDED PETITION

\_\_\_\_\_ SUPPLEMENTAL PETITION

COUNTERCLAIM

\_\_\_\_\_ AMENDED COUNTERCLAIM

\_\_\_\_\_ SUPPLEMENTAL COUNTERCLAIM

CROSS-ACTION:

\_\_\_\_\_ AMENDED CROSS-ACTION

\_\_\_\_\_ SUPPLEMENTAL CROSS-ACTION

THIRD-PARTY PETITION:

\_\_\_\_\_ AMENDED THIRD-PARTY PETITION

\_\_\_\_\_ SUPPLEMENTAL THIRD-PARTY PETITION

INTERVENTION:

\_\_\_\_\_ AMENDED INTERVENTION

\_\_\_\_\_ SUPPLEMENTAL INTERVENTION

INTERPLEADER

\_\_\_\_\_ AMENDED INTERPLEADER

\_\_\_\_\_ SUPPLEMENTAL INTERPLEADER

INJUNCTION

MOTION TO MODIFY

SHOW CAUSE ORDER

TEMPORARY RESTRAINING ORDER

BILL OF DISCOVERY:

ORDER TO: \_\_\_\_\_  
(specify)

MOTION TO: \_\_\_\_\_  
(specify)

PROCESS TYPES:

NON WRIT:

CITATIONXX

ALIAS CITATION

PLURIES CITATION

SECRETARY OF STATE CITATION

COMMISSIONER OF INSURANCE

HIGHWAY COMMISSIONER

CITATION BY PUBLICATION

NOTICE

SHORT FORM NOTICE

PRECEPT (SHOW CAUSE)

RULE 106 SERVICE

SUBPOENA

WRITS:

ATTACHMENT (PROPERTY)

ATTACHMENT (WITNESS)

ATTACHMENT (PERSON)

CERTIORARI

EXECUTION

EXECUTION AND ORDER OF SALE

GARNISHMENT BEFORE JUDGMENT

GARNISHMENT AFTER JUDGMENT

HABEAS CORPUS

INJUNCTION

TEMPORARY RESTRAINING ORDER

PROTECTIVE ORDER (FAMILY CODE)

PROTECTIVE ORDER (CIVIL CODE)

POSSESSION (PERSON)

POSSESSION (PROPERTY)

SCIRE FACIAS

SEQUESTRATION

SUPERSEDEAS

FILED

DALLAS COUNTY

3/4/2016 10:32:48 AM

FELICIA PITRE

DISTRICT CLERK



FELICIA PITRE  
DALLAS COUNTY DISTRICT CLERK

NINA MOUNTIQUE  
CHIEF DEPUTY

**CAUSE NO. DC-16-02623**

MICHELE BAILON

VS.

LANDSTAR RANGER INC, et al

44th District Court

**ENTER DEMAND FOR JURY**

JURY FEE PAID BY: MICHELE BAILON

FEE PAID: 40

**FORM NO. 353-3 - CITATION  
THE STATE OF TEXAS**

To:

**LANDSTAR RANGER INC  
CT CORPORATION SYSTEM  
1999 BRYAN ST STE 900  
DALLAS TX 75201**

**GREETINGS:**

You have been sued. You may employ an attorney. If you or your attorney do not file a written answer with the clerk who issued this citation by 10 o'clock a.m. of the Monday next following the expiration of twenty days after you were served this citation and petition, a default judgment may be taken against you. Your answer should be addressed to the clerk of the **44th District Court** at 600 Commerce Street, Ste. 101, Dallas, Texas 75202.

Said Plaintiff being **MICHELE BAILON**

Filed in said Court **4th day of March, 2016** against

**LANDSTAR RANGER INC, AND CAMARA PERCIVAL JR.**

For Suit, said suit being numbered **DC-16-02623**, the nature of which demand is as follows:  
Suit on **MOTOR VEHICLE ACCIDENT** etc. as shown on said petition, a copy of which accompanies this citation. If this citation is not served, it shall be returned unexecuted.

WITNESS: FELICIA PITRE, Clerk of the District Courts of Dallas, County Texas.  
Given under my hand and the Seal of said Court at office this **14th day of March, 2016**.

ATTEST: FELICIA PITRE, Clerk of the District Courts of Dallas, County, Texas

By  , Deputy  
**DAMARCUS OFFORD**



**CERT MAIL**

**CITATION**

**DC-16-02623**

**MICHELE BAILON**

**vs.**

**LANDSTAR RANGER INC, et al**

**ISSUED THIS  
14th day of March, 2016**

**FELICIA PITRE  
Clerk District Courts,  
Dallas County, Texas**

By: **DAMARCUS OFFORD, Deputy**

**Attorney for Plaintiff**

**JASON A. ITKIN  
JITKIN@ARNOLDITKIN.COM  
6009 MEMORIAL DRIVE  
HOUSTON TX 77007  
713-222-3800**

**DALLAS COUNTY CONSTABLE**

**FEES  
PAID**

**FEES NOT  
PAID**

## OFFICER'S RETURN

Case No. : DC-16-02623

Court No.44th District Court

Style: MICHELE BAILON

vs.

LANDSTAR RANGER INC, et al

Came to hand on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_, at \_\_\_\_\_ o'clock \_\_\_\_\_ M. Executed at \_\_\_\_\_  
within the County of \_\_\_\_\_ at \_\_\_\_\_ o'clock \_\_\_\_\_ M. on the \_\_\_\_\_ day of \_\_\_\_\_  
20\_\_\_\_\_, by delivering to the within named

each, in person, a true copy of this Citation together with the accompanying copy of this pleading, having first endorsed on same date of delivery. The distance actually traveled by  
me in serving such process was \_\_\_\_\_ miles and my fees are as follows: To certify which witness my hand.

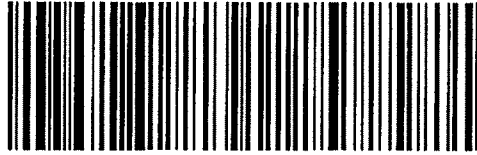
For serving Citation	\$ _____	_____
For mileage	\$ _____	of _____ County, _____
For Notary	\$ _____	By _____ Deputy

(Must be verified if served outside the State of Texas.)

Signed and sworn to by the said \_\_\_\_\_ before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_,  
to certify which witness my hand and seal of office.

\_\_\_\_\_  
Notary Public \_\_\_\_\_ County \_\_\_\_\_

FELICIA PITRE  
DISTRICT CLERK  
GEORGE L. ALLEN, SR. COURTS BUILDING  
600 COMMERCE ST STE 101  
DALLAS, TX 75202-6604



Return Receipt (Electronic)

9214 8901 0661 5400 0082 1110 27

**DC-16-02623 DO**

LANDSTAR RANGER INC  
CT CORPORATION SYSTEM  
1999 BRYAN ST STE 900  
DALLAS, TX 75201-3140

.....  
CUT / FOLD HERE

.....  
6"X9" ENVELOPE  
CUT / FOLD HERE

.....  
CUT / FOLD HERE

English

Customer Service

USPS Mobile

Register / Sign In



## USPS Tracking®



Customer Service ›  
Have questions? We're here to help.



Get Easy Tracking Updates ›  
Sign up for My USPS.

Tracking Number: 92148901066154000082111027

On Time

Expected Delivery Day: Friday, March 18, 2016

## Product &amp; Tracking Information

Postal Product:  
First-Class Mail®

Features:  
Certified Mail™

DATE & TIME	STATUS OF ITEM	LOCATION
March 18, 2016 , 8:45 am	Delivered	DALLAS, TX 75201

Your item was delivered at 8:45 am on March 18, 2016 in DALLAS, TX 75201.

March 18, 2016 , 7:24 am	Arrived at Unit	DALLAS, TX 75201
March 18, 2016 , 5:03 am	Departed USPS Facility	DALLAS, TX 75260
March 17, 2016 , 8:36 am	Arrived at USPS Facility	DALLAS, TX 75260
March 16, 2016 , 10:04 pm	Departed USPS Facility	NORTH TEXAS PROCESSING AND DISTRIBUTION CENTER
March 16, 2016 , 5:45 pm	Arrived at USPS Facility	NORTH TEXAS PROCESSING AND DISTRIBUTION CENTER
March 16, 2016 , 4:30 pm	Accepted at USPS Origin Facility	DALLAS, TX 75202
March 15, 2016	Pre-Shipment Info Sent to USPS	

## Available Actions

Return Receipt Electronic

Text Updates

Email Updates

## Track Another Package

Tracking (or receipt) number

Track It

## Manage Incoming Packages

Track all your packages from a dashboard.  
No tracking numbers necessary.

Sign up for My USPS ›



## HELPFUL LINKS

[Contact Us](#)[Site Index](#)[FAQs](#)

## ON ABOUT.USPS.COM

[About USPS Home](#)[Newsroom](#)[USPS Service Updates](#)[Forms & Publications](#)[Government Services](#)[Careers](#)

## OTHER USPS SITES

[Business Customer Gateway](#)[Postal Inspectors](#)[Inspector General](#)[Postal Explorer](#)[National Postal Museum](#)[Resources for Developers](#)

## LEGAL INFORMATION

[Privacy Policy](#)[Terms of Use](#)[FOIA](#)[No FEAR Act EEO Data](#)

Copyright © 2016 USPS. All Rights Reserved.

Search or Enter a Tracking Number

**FORM NO. 353-3 - CITATION  
THE STATE OF TEXAS**

To:

**CAMARA PERCIVAL, Jr.  
1600 TAFT AVENUE APT 411  
LOS ANGELES CA 90028**

**GREETINGS:**

You have been sued. You may employ an attorney. If you or your attorney do not file a written answer with the clerk who issued this citation by 10 o'clock a.m. of the Monday next following the expiration of twenty days after you were served this citation and petition, a default judgment may be taken against you. Your answer should be addressed to the clerk of the **44th District Court** at 600 Commerce Street, Ste. 101, Dallas, Texas 75202.

Said Plaintiff being **MICHELE BAILON**

Filed in said Court **4th day of March, 2016** against

**CAMARA PERCIVAL, Jr. AND LANDSTAR RANGER, INC**

For Suit, said suit being numbered **DC-16-02623**, the nature of which demand is as follows:  
Suit on **MOTOR VEHICLE ACCIDENT** etc. as shown on said petition, a copy of which accompanies this citation. If this citation is not served, it shall be returned unexecuted.

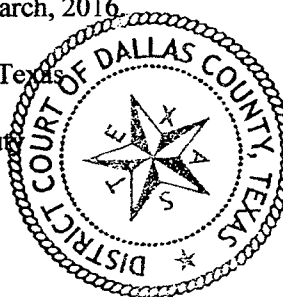
WITNESS: FELICIA PITRE, Clerk of the District Courts of Dallas, County Texas.  
Given under my hand and the Seal of said Court at office this 14th day of March, 2016.

ATTEST: FELICIA PITRE, Clerk of the District Courts of Dallas, County, Texas

By

  
**DAMARCUS OFFORD**

Deputy



**CERT MAIL**

**CITATION**

**DC-16-02623**

**MICHELE BAILON**

**vs.**

**LANDSTAR RANGER INC, et al**

**ISSUED THIS  
14th day of March, 2016**

**FELICIA PITRE  
Clerk District Courts,  
Dallas County, Texas**

By: **DAMARCUS OFFORD**, Deputy

**Attorney for Plaintiff**

**JASON A. ITKIN  
JITKIN@ARNOLDITKIN.COM  
6009 MEMORIAL DRIVE  
HOUSTON TX 77007  
713-222-3800**

**DALLAS COUNTY CONSTABLE**

**FEES  
PAID**

**FEES NOT  
PAID**



## OFFICER'S RETURN

Case No. : DC-16-02623

Court No. 44th District Court

Style: MICHELE BAILON

vs.

LANDSTAR RANGER INC, et al

Came to hand on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_, at \_\_\_\_\_ o'clock \_\_\_\_\_ .M. Executed at \_\_\_\_\_,  
within the County of \_\_\_\_\_ at \_\_\_\_\_ o'clock \_\_\_\_\_ .M. on the \_\_\_\_\_ day of \_\_\_\_\_,  
20\_\_\_\_\_, by delivering to the within named

each, in person, a true copy of this Citation together with the accompanying copy of this pleading, having first endorsed on same date of delivery. The distance actually traveled by  
me in serving such process was \_\_\_\_\_ miles and my fees are as follows: To certify which witness my hand.

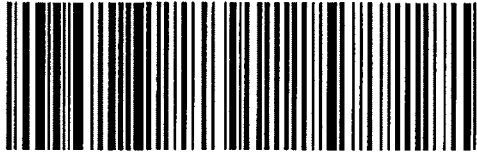
For serving Citation	\$ _____	_____
For mileage	\$ _____	of _____ County, _____
For Notary	\$ _____	By _____ Deputy

(Must be verified if served outside the State of Texas.)

Signed and sworn to by the said \_\_\_\_\_ before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_,  
to certify which witness my hand and seal of office.

\_\_\_\_\_  
Notary Public \_\_\_\_\_ County \_\_\_\_\_

FELICIA PITRE  
DISTRICT CLERK  
GEORGE L. ALLEN, SR. COURTS BUILDING  
800 COMMERCE ST STE 101  
DALLAS, TX 75202-6604



Return Receipt (Electronic)

9214 8901 0661 5400 0082 1111 02

DC-16-02623 DO

CAMARA PERCIVAL, JR  
1600 TAFT AVE APT 411  
LOS ANGELES, CA 90028-3706

.....  
CUT / FOLD HERE

.....  
6"x9" ENVELOPE  
CUT / FOLD HERE

.....  
CUT / FOLD HERE



Arnold & Itkin LLP  
TRIAL LAWYERS

Tonya Pointer

March 24, 2016

**Via E-Filing**

Damarcus Offord, Clerk  
Dallas County District Clerk  
George Allen Courts Building  
600 Commerce St.  
Suite 103,  
Dallas, TX 75202

Re: Docket No. DC-16-02623; *Michele Bailon vs. Landstar Ranger, Inc., et al*; In the 44<sup>th</sup> Judicial District Court of Dallas County, Texas.

Dear Mr. Offord:

Per our conversation, I am writing to request that the petition and citations pertaining to the following defendants' referenced below, be re-issued and **request them to be mailed to our office once issued, so we may send them out for service via our process server.** The citations are to be addressed to the following defendants:

- *Landstar Ranger, Inc. may be served with process through its registered agent at CT Corporation System at 1999 Bryan Street, Suite 900, Dallas, Texas 75201.*
- *Camara Percival Jr. may be served with process at 1600 Taft Avenue, Apt. 411 Los Angeles, California, 90028.*

The postage fee, and the citation issuance fee are being paid with this filing. If you have any questions, please do not hesitate to contact me.

Sincerely, .

Narissa Espinal,  
Legal Assistant

LAN.6623

CAUSE NO. DC16-02623

MICHELE BAILON

v.

LANDSTAR RANGER, INC. and  
CAMARA PERCIVAL, JR.

§ IN THE DISTRICT COURT  
§  
§ 44th JUDICIAL DISTRICT  
§  
§  
§ DALLAS COUNTY, TEXAS

**DEFENDANT LANDSTAR RANGER, INC.'S ORIGINAL ANSWER**

TO THE HONORABLE JUDGE OF SAID COURT:

COMES NOW LANDSTAR RANGER, INC., Defendant named in the above entitled and numbered cause, and files this its Original Answer, and for same would respectfully show unto the Court as follows:

**I.**

**GENERAL DENIAL**

Defendant denies each and every, all and singular, the material allegations contained within Plaintiff's pleadings and demands strict proof thereof pursuant to Rule 92 of the Texas Rules of Civil Procedure.

**II.**

**SECTION 18.091**

Defendant invokes Section 18.091 of the Texas Civil Practice and Remedies Code. To the extent Plaintiff seeks recovery for loss of earnings, loss of earning capacity, loss of contributions of a pecuniary value or loss of inheritance, the evidence to prove such loss must be presented in the form of net loss after reduction of income tax payments or unpaid tax liability.

Defendant further requests the court to instruct the jury as to whether any recovery for compensatory damages sought by Plaintiff is subject to federal or state income taxes.

**III.**

**SECTION 41.0105**

Defendant invokes Section 41.0105 of the Texas Civil Practice and Remedies Code. To the extent Plaintiff seeks recovery of medical or healthcare expenses incurred, the evidence to prove such loss must be limited to the amount actually paid or incurred by or on behalf of Plaintiff. Defendant further requests the court to instruct the jury as to whether any recovery for medical or healthcare expenses sought by Plaintiff is limited to the amount actually paid or incurred by or on behalf of Plaintiff.

**IV.**

**AFFIRMATIVE DEFENSES**

**Paid v. Incurred**

Defendant also asserts that it is entitled to a reduction in any award for medical expenses to the extent that same is not actually paid or incurred. Defendant is further entitled to a reduction as to any damage award for the full sum of any settlement as an offset to Plaintiff's recovery.

**V.**

**JURY DEMAND**


In accordance with Rule 216 of the Texas Rules of Civil Procedure, Defendant demands a trial by jury.

**CERTIFICATE OF SERVICE**

THIS WILL CERTIFY that a true and correct copy of the foregoing instrument has been mailed, telecopied or hand delivered to all attorneys of record in this cause of action on the 29<sup>th</sup> day of March, 2016 as follows:

***Via Facsimile***

Jason A. Itkin  
Cory D. Itkin  
Arnold & Itkin LLP  
6009 Memorial Drive  
Houston, TX 77007

  
\_\_\_\_\_  
**MICHAEL P. SHARP**



CAUSE NO. DC-( 16-02623 )

MICHELE BAILON,

*Plaintiff(s),*

v.

LANDSTAR RANGER, INC., et al,

*Defendant(s).*

In the District Court  
of Dallas County, Texas  
44th Judicial District

### ORDER SETTING SCHEDULING CONFERENCE AND NOTICE OF POLICIES

In accordance with Rule 166, 190 and 192 of the Texas Rules of Civil Procedure, the parties or their attorneys are ORDERED to appear for a scheduling conference to address those matters stated in those Rules on the following date and time: April 22, 2016 @9:00 a.m., or alternatively **dismissal for want of prosecution** for failure to comply with the Courts order for the submission and entrance of a scheduling order. *The Court prefers that counsel submit an agreed Scheduling Order in lieu of attending the scheduling conference hearing. Upon receipt of the signed order, the hearing will be canceled.*

#### **THE PARTIES ARE ORDERED TO CONFER BEFORE THE CONFERENCE.**

The conference will not be required if the parties file an agreed scheduling order. One of the two Modified Uniform Scheduling Orders is attached. The date by which the case will be ready for trial (the "Initial Trial Setting") as indicated in the forms must be on a Monday not a holiday, and must be in the following range: **PLEASE USE THE ATTACHED MODIFIED UNIFORM SCHEDULING ORDER, LEVELS 1-2 or 3.**

Level 1	6-12 months <u>from the date of initial filing of the case</u>
Level 2	12-18 months <u>from the date of initial filing of the case</u>
Level 3	18-24 months <u>from the date of initial filing of the case</u>

Requests for variations from the attached forms, even if agreed, must be made at the scheduling conference. Failure to attend the scheduling conference may result in the entry of an order of dismissal for want of prosecution or other sanctions:

The parties are directed to take notice of the following court policies:

Service of Papers Filed with the Court. — Other than original petitions and any accompanying applications for temporary restraining order, any documents filed with the Court that relate to requests for expedited relief or to matters set for hearing within seven days of filing must be served upon all opposing parties in a manner that will ensure receipt of the papers by them on the same day the papers are filed with the Court or District Clerk.

Uncontested or Agreed Matters. — The Court does not require a separate motion or hearing on

agreed matters, except for continuances in cases over one year old or as otherwise provided. All uncontested or agreed matters should be presented with a proposed form of order and should reflect the agreement of all parties either (a) by personal or authorized signature on the form of order, or (b) in the certificate of conference on the motion.

Submission of Orders. — Except for proposed orders tendered at a hearing, proposed orders on contested matters should be submitted by the prevailing party after notification of the Court's ruling. Proposed orders should be tendered to the opposing party at least two working days before they are submitted to the Court. The opposing party must either approve the proposed order as to form or file objections in writing with the Court within one week of the submission of the proposed order. If an order is not approved as to form and no objections are filed within seven days of the submission of the proposed order, the Court will deem the proposed order to be approved as to form. Parties are encouraged, however, to bring a proposed order to the hearing.

Briefs. — The Court will use its best efforts to review all motions and briefs before any hearing. Except in case of emergency, any briefs relating to a motion (other than for summary judgment) that is set for hearing must be filed with the clerk of the Court no later than two working days before the scheduled hearing, or with the District Clerk no later than three working days before the scheduled hearing. Briefs in support of a motion for summary judgment must be filed with that motion; briefs in opposition to a motion for summary judgment must be filed at or before the time the response is due. Briefs not filed in accordance with this paragraph likely will not be considered.

#### COURT SPECIFIC POLICIES

Telephone Hearings. — Participation in hearings by telephone is encouraged. Arrangements should be made with the Court Administrator. (For parties out of town)

Default and Minor Prove-Ups. — Unless instructed otherwise by the Court, default judgments should be made through affidavits; minor prove-ups shall be set for a hearing through the District Clerk.

Continuances. — In cases on file for more than one year, any motion requesting a continuance of trial must be signed by all parties requesting such a continuance, as well as by counsel. A single agreed continuance of 60-90 days, including extension of pretrial deadlines, will typically be granted; subsequent requests are rarely granted. Reset or continuance will not otherwise affect any of the pretrial deadlines unless specifically provided in the Order.

Alterations or Additional Deadlines Permitted. -- The forms attached must be used, but, other than paragraphs 1 or 5 and except as limited by the Rules of Civil Procedure, *different or additional deadlines* do not require an appearance at the scheduling conference and should be made through Rule 11 Agreements.  
SIGNED March 29, 2016.



District Judge Bonnie Lee Goldstein



David Hernandez

LAN.6623

CAUSE NO. DC16-02623

MICHELE BAILON

v.

LANDSTAR RANGER, INC. and  
CAMARA PERCIVAL, JR.

§ IN THE DISTRICT COURT  
§  
§ 44th JUDICIAL DISTRICT  
§  
§  
§ DALLAS COUNTY, TEXAS

**DEFENDANT LANDSTAR RANGER, INC.'S JURY DEMAND**

In accordance with Rule 216 of the Texas Rules of Civil Procedure, Defendant demands a trial by jury.

WHEREFORE, PREMISES CONSIDERED, Defendant LANDSTAR RANGER, INC. prays that the Plaintiff take nothing by this suit, that Defendant go hence with its costs without delay, and for such other and further relief, both general and special, at law and in equity, to which Defendant may show itself justly entitled.

Respectfully submitted,

**FEE, SMITH, SHARP & VITULLO, L.L.P**



---

**MICHAEL P. SHARP**

[msharp@feesmith.com](mailto:msharp@feesmith.com)

State Bar No. 00788857

**DANIEL M. KARP**

State Bar No. 24012937

[dkarp@feesmith.com](mailto:dkarp@feesmith.com)

Three Galleria Tower

13155 Noel Road, Suite 1000

Dallas, Texas 75240

(972) 934-9100

(972) 934-9200 (Fax)

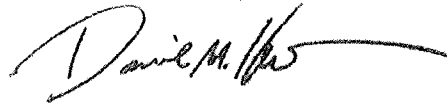
**ATTORNEYS FOR DEFENDANT  
LANDSTAR RANGER, INC.**

**CERTIFICATE OF SERVICE**

THIS WILL CERTIFY that a true and correct copy of the foregoing instrument has been mailed, telecopied or hand delivered to all attorneys of record in this cause of action on the 30<sup>th</sup> day of March 2016 as follows:

***Via Facsimile***

Jason A. Itkin  
Cory D. Itkin  
Arnold & Itkin LLP  
6009 Memorial Drive  
Houston, TX 77007

A handwritten signature in black ink, appearing to read "Daniel M. Karp", with a long horizontal flourish extending to the right.

---

**DANIEL M. KARP**



**Fee, Smith, Sharp & Vitullo LLP**

Texas Trial Attorneys

Three Galleria Tower 13155 Noel Road Suite 1000 Dallas, Texas 75240  
P 972-934-9100 F 972-934-9200

877-FEESMITH feesmith.com

1801 S MoPac Expressway Suite 320 Austin, Texas 78746  
P 512-479-8400 F 512-479-8402

**Michael P. Sharp**  
972-980-3255 Direct Dial

[msharp@feesmith.com](mailto:msharp@feesmith.com)

March 31, 2016

***Via Electronic Filing***

Clerk

44th Judicial District Court  
George L. Allen, Sr. Courts Bldg.  
600 Commerce Street, Box 540  
Dallas, TX 75202

Re: Cause No. DC16-02623; *Michele Bailon v. Landstar Ranger, Inc. and Percival Camara, Jr.*; In the 44th Judicial District Court, Dallas County, Texas  
Our File No.: LAN.6623

Dear Clerk:

Please be advised that I will be on vacation on the following dates:

July 1, 2016 – July 10, 2016

I would appreciate it if you would note your calendar accordingly and not schedule any hearings, court appearances, items requiring a deadline, etc. during this time period.

Thank you for your consideration.

Very truly yours,

/s/ Michael P. Sharp

Michael P. Sharp

MPS/pac

cc: Jason A. Itkin  
Cory D. Itkin  
Arnold & Itkin, LLP  
6009 Memorial Drive  
Houston, TX 77007